

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBIN A. JONES,

Plaintiff,

v.

RACHEL POND, et al.,

Defendants.

Case No. 1:23-cv-01489-JLT-SAB

ORDER REQUIRING PLAINTIFF TO FILE
STATUS REPORT ON SERVICE

TEN DAY DEADLINE

Plaintiff Robin A. Jones, proceeding *pro se* and having paid the filing fee in this action, initiated this action on October 18, 2023 against Defendants Rachel Pond, Pamela Ombudsperson, Mary Garza, Michael Shaddix, Dante Silveri, Steve VanVeen, Lance Lanier, Frankie Wallace, Dana Honeywell, Willetta Collington, Miriam Givens, Lattice White, and Amir Khan. (ECF No. 1.) The Clerk issued summonses for each Defendant on January 30, 2024. (ECF Nos. 10, 11, 12, 13.)

On March 29, 2024, Plaintiff filed a motion for a forty-day extension of time to complete service pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. (ECF No. 15.) The Court found good cause to grant an extension to serve Defendants until June 10, 2024. (ECF No. 16.) The extension of time to file proof of service of each Defendant has expired. Plaintiff has not filed any proof of service and no Defendant has filed a responsive pleading. The initial scheduling conference is currently set for August 22, 2024.

1 Rule 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint
2 is filed, the court—on motion or on its own after notice to the plaintiff—*must* dismiss the action
3 without prejudice against that defendant or order that service be made within a specified time.”
4 Fed. R. Civ. P. 4(m) (emphasis added). “But if the plaintiff shows good cause for the failure, the
5 court must extend the time for service for an appropriate period.” *Id.* The order setting the
6 scheduling conference in this matter additionally provides that: “plaintiff shall diligently pursue
7 service of the summons and complaint and dismiss those defendants against whom the plaintiff
8 will not pursue claims...[and] plaintiff shall promptly file proofs of service of the summons and
9 complaint so the Court has a record of service.” (ECF No. 14 at 1.) “Failure to timely serve the
10 summons and complaint may result in the imposition of sanctions, including dismissal of
11 unserved defendants.” (*Id.* at 2.)

12 Accordingly, IT IS HEREBY ORDERED that **within ten days of entry of this order**,
13 Plaintiff shall file a notice regarding the status of service on Defendants Rachel Pond, Pamela
14 Ombudsperson, Mary Garza, Michael Shaddix, Dante Silveri, Steve VanVeen, Lance Lanier,
15 Frankie Wallace, Dana Honeywell, Willetta Collington, Miriam Givens, Lattice White, and Amir
16 Khan, in relation to the parties’ readiness for the August 22, 2024 scheduling conference,
17 including whether service has been completed or whether entry of default is proper. Plaintiff is
18 advised that failure to comply with this order may result in the issuance of sanctions, up to and
19 including dismissal of this action.

20 IT IS SO ORDERED.

21
22 Dated: **June 11, 2024**


UNITED STATES MAGISTRATE JUDGE